

Remarks

Claims 1-10, 12-20, and 22-29 are pending. Claims 1-10, 12-20, and 22-29 are rejected.

Applicant thanks the Examiner for the telephone interview on March 31, 2008 discussing the § 131 declaration that was made in the Amendment filed July 11, 2006. Applicant also thanks the Examiner for providing an Interview Summary, mailed April 10, 2008, discussing the Declaration filed on July 11, 2006 and how it applies to the claims. It is Applicant's understanding that this summary is a sufficient response addressing the substance of the interview.

Applicant has amended claims 1, 6-7, 9, 12, 13, 16-17, 19 and 22 to place them, as well as all of the other claims, back to the condition they were in on July 11, 2006 with two exceptions – Claims 1 and 12. Claims 1 and 12 were amended back to the state they appeared in the Amendment filed November 29, 2006 to correct a written description issue. No new matter was added.

The Examiner did not consider a § 131 Declaration to be a proper instrument to overcome the § 102(e) rejections because the claims in Hossainy allegedly appear to be similar to those in the present application. However, the Examiner did not make a double-patenting rejection. Thus, the § 131 Declaration should have overcome the § 102(e) rejections. Reconsideration of the § 131 Declaration is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-10, 12-20, and 22-29 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hossainy (US 6,926,919).

Applicant submitted a § 131 Declaration on July 11, 2006 which should have overcome the Hossainy reference. Applicant respectfully requests that the Examiner reconsider the § 131 Declaration and withdraw the § 102(e) rejections.

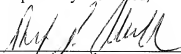
CONCLUSION

The amendments to claims 1, 6-7, 9, 12, 13, 16-17, 19 and 22 do not present any new issues for examination. Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-0150.

Date:

6/14/08
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